

APPEAL NO. 020599
FILED APRIL 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 14, 2002. On the sole issue before her, she found that the appellant's (claimant) _____, compensable injury to his left shoulder did not extend to his cervical area.

The claimant has appealed this determination as against the great weight and preponderance of the evidence. The respondent (carrier) responds seeking affirmance.

DECISION

We affirm the hearing officer's decision.

The claimant said he was injured as he tossed a heavy box up to the top of a stack and it fell back down. As he caught it, he said he injured his left shoulder and the left side of his neck. Conflicting medical evidence also included the omission of neck problems in medical reports close to the date of injury, as well as examination of the cervical area that was found to be normal.

We would caution that while chronology alone does not establish a causal connection between an accident and a later-diagnosed injury (Texas Workers' Compensation Commission Appeal No. 94231, decided April 8, 1994), neither does a delayed manifestation nor the failure to immediately mention an injury to a health care provider necessarily rule out a connection. See Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). However, the hearing officer could consider that the neck was examined and evaluated two months after the injury and was normal in range of motion, with no spasms or pain. She could consider the lapse of time between the injury and detection of a cervical disc problem (roughly ten months).

It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We accordingly affirm the decision and order.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge